

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AFSANEH JAFAKESH,

CASE NO. 5:14-cv-03635 EJD

Plaintiff(s),

**ORDER RE: NOTICE OF STAY OF
PROCEEDINGS**

v.

CITIMORTGAGE, INC.,

[Docket Item No(s). 14]

Defendant(s).

On August 21, 2014, Plaintiff Afsaneh Jafaskesh ("Plaintiff") filed a document entitled "Notice of Stay of Proceedings." See Docket Item No. 14. According to that document, Plaintiff commenced voluntary Chapter 13 bankruptcy proceedings on or about July 15, 2014. Plaintiff therefore believes this action is subject to the automatic stay provisions of 11 U.S.C. § 362(a).

The court does not agree that this action is automatically stayed due to *Plaintiff's* bankruptcy filing. See Hiew v. Saxon Mortg. Servs., No. 2:12-CV-576-KJD-PAL, 2012 U.S. Dist. LEXIS 104785, at *2 (D. Nev. July 27, 2012) (noting that 11 U.S.C. § 362(a) does not apply to judicial proceedings initiated by the debtor but only to those "against the debtor") (citing Brown v. Armstrong, 949 F.2d 1007, 1009-1010 (8th Cir. 1991)). Accordingly, this action shall proceed as stated in the Clerk's Notice filed August 19, 2014. See Docket Item No. 13.

IT IS SO ORDERED.

Dated: August 26, 2014


EDWARD J. DAVILA
United States District Judge